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OFFICE OF PETITIONS

BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON, DC 20001-5303

In re Application of Ko	:	
Application No. 10/796,008	:	Decision on Petition
Filing Date: March 10, 2004	:	
Attorney Docket No. KO53	:	

This is a decision on the petition under 37 CFR 1.181, filed January 18, 2007, to withdraw the holding of abandonment.

The petition is **granted**.

A Notice of Non-Compliant Amendment was mailed March 29, 2006.

A reply was filed April 5, 2006.

The reply's header listed an incorrect application number and filing date. The title in the header also had the words "make" and "carbon" in an incorrect order. The header did list a correct attorney docket number and inventor name. The top of each page, excluding the first page, listed the correct application number.

The incorrect application number on the first page of the reply caused the Office to match the paper with an incorrect file.

A Notice of Abandonment was mailed November 20, 2006.

Petitioner requests the holding of abandonment be withdrawn.

At the discretion of the Office, a paper listing an incorrect application number may be considered timely and proper. The Office will accept papers as timely filed if the following criteria are met:

- (1) The papers contained sufficient information for the Office to recognize they included an incorrect application number.
- (2) The papers contained sufficient information for the Office to determine the correct application number.

The criteria above have been met.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 1771 will be informed of the instant decision and the examiner will consider the amendment filed April 5, 2006, in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', is positioned above the printed name.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions